

PATENT
Customer Number 22,852
Attorney Docket No. 7528.0003-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS AND TRADEMARKS
Washington, D.C. 20231

Prior Application Art Unit: 3738 Prior Application Examiner: D. Willse

SIR: This is a request for filing a

☒ Continuation Application under 37 C.F.R. § 1.53(b) of pending prior U.S. Application No. 08/992,316 filed December 17, 1997 of Todd J. Mortier and Cyril J. Schweich, Jr. for VALVE TO MYOCARDIUM TENSION MEMBERS DEVICE AND METHOD

1. ☒ Enclosed is a complete copy of the prior application including the oath or Declaration and drawings, if any, as originally filed. I hereby verify that the attached papers are a true copy of prior U.S. Application No. 08/992,316 as originally filed on December 17, 1997, which is incorporated herein by reference.
2. ☐ Enclosed is a substitute specification under 37 C.F.R. § 1.125.
3. ☐ Enclosed is a Request for Non-Publication of Application and Certification Under 35 U.S.C. § 1.22(b)(2)(B)(i).
4. ☒ Cancel Claims 2-17.
5. ☒ A Preliminary Amendment is enclosed.
6. ☒ The filing fee, including the extra claims fee, is calculated on the basis of the claims existing in the prior application as amended at 4 and 5 above.

| | | | | | | |
|---|------------------|---|-------|--------------|--------|-------------|
| Basic Application Filing Fee | | | | | \$740 | \$ \$740.00 |
| | Number of Claims | | Basic | Extra Claims | | |
| Total Claims | 27 | - | 20 | 7 | x \$18 | 126.00 |
| Independent Claims | 2 | - | 3 | 0 | x \$84 | 0.00 |
| <input type="checkbox"/> Presentation of Multiple Dep. Claim(s) | | | | | +\$280 | |
| Subtotal | | | | | | \$ 866.00 |
| Reduction by 1/2 if small entity | | | | | | - 433.00 |
| TOTAL APPLICATION FILING FEE | | | | | | \$ 433.00 |

LAW OFFICES

WENEGAN, HENDERSON,
FARABOW, GARRETT,
& DUNNER, L.L.P.
300 I STREET, N. W.
WASHINGTON, DC 20005
202-408-4000

10/19/01
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j1046 U.S. PTO
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10/19/01

7. ☒ A check in the amount of \$433.00 to cover the filing fee, including the extra claims fee, is enclosed.
8. ☒ The Commissioner is hereby authorized to charge any other fees not accounted for above which may be required including fees due under 37 C.F.R. § 1.16 and any other fees due under 37 C.F.R. § 1.17, or credit any overpayment during the pendency of this application to Deposit Account No. 06-0916.
9. ☒ Amend the specification by inserting before line 2 on page 1, the following new paragraph:

--This is a continuation of U.S. Application No. 08/922,316, filed December 17, 1997, which is hereby incorporated by reference.--
10. ☒ New formal drawings are enclosed.
11. ☒ The prior application is assigned of record to: Myocor, Inc.
12. ☐ Priority of application Serial No. [Text], filed on [Text] in [Country] is claimed under 35 U.S.C. § 119. A certified copy

☐ is enclosed or ☐ is on file in the prior application.
13. ☒ Small entity status is appropriate and applies to this application.
14. ☒ The power of attorney in the prior application is to at least one of the following: FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P., Douglas B. Henderson, Reg. No. 20,291; Ford F. Farabow, Jr., Reg. No. 20,630; Arthur S. Garrett, Reg. No. 20,338; Donald R. Dunner, Reg. No. 19,073; Brian G. Brunsvold, Reg. No. 22,593; Tipton D. Jennings, IV, Reg. No. 20,645; Jerry D. Voight, Reg. No. 23,020; Laurence R. Hefter, Reg. No. 20,827; Kenneth E. Payne, Reg. No. 23,098; Herbert H. Mintz, Reg. No. 26,691; C. Larry O'Rourke, Reg. No. 26,014; Albert J. Santorelli, Reg. No. 22,610; Michael C. Elmer, Reg. No. 25,857; Richard H. Smith, Reg. No. 20,609; Stephen L. Peterson, Reg. No. 26,325; John M. Romary, Reg. No. 26,331; Bruce C. Zotter, Reg. No. 27,680; Dennis P. O'Reilly, Reg. No. 27,932; Allen M. Sokal, Reg. No. 26,695; Robert D. Bajefsky, Reg. No. 25,387; Richard L. Stroup, Reg. No. 28,478; David W. Hill, Reg. No. 28,220; Thomas L. Irving, Reg. No. 28,619; Charles E. Lipsey, Reg. No. 28,165; Thomas W. Winland, Reg. No. 27,605; Basil J. Lewis, Reg. No. 28,818; Martin I. Fuchs, Reg. No. 28,508; E. Robert Yoches, Reg. No. 30,120; Barry W. Graham, Reg. No. 29,924; Susan Haberman Griffen, Reg. No. 30,907; Richard B. Racine, Reg. No. 30,415; Thomas H. Jenkins, Reg. No. 30,857; Robert E. Converse, Jr., Reg. No. 27,432; Clair X. Mullen, Jr., Reg. No. 20,348;

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15. ☐ The power appears in the original declaration of the prior application.
16. ☒ Since the power does not appear in the original declaration, a copy of the power in the prior application is enclosed.
17. ☒ Please address all correspondence to FINNEGAN, HENDERSON, FARABOW, GARRETT and DUNNER, L.L.P., 1300 I Street, N.W., Washington, D.C. 20005-3315, **Customer Number 22,852**.
18. ☒ Recognize as associate attorney Susanne C. Tinker, Reg. No. 44,472,
1300 I Street, N.W., Washington, D.C. 20005-3315
19. ☐ Also enclosed is _____

PETITION FOR EXTENSION. If any extension of time is necessary for the filing of this application, including any extension in parent U.S. Application No. 08/992,316, filed December 17, 1997, for the purpose of maintaining copendency between the parent application and this application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to our Deposit Account No. 06-0916. A duplicate copy of this paper is enclosed for use in charging the deposit account.

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: October 19, 2001

By: Susanne C. Tinker
Susanne C. Tinker
Reg. No. 44,472

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